MONTANA LEGISLATIVE HISTORY

Chapter 485 19 99

Bill H 620 S _____ Original bill & history ✓ C

H. Committee on State Admin.			S. Committee on State Admin.		
Hearing Date(s)	2/17	✓ C	Hearing Date(s)	3/3	✓ C
		C		3-10	C
		C		3-11	C
		C		3-15	C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ✓ No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

2/17	Hearing		
2/18	Committee Executive Action--Bill Passed	19	1
2/18	Committee Report--Bill Passed		
2/19	2nd Reading Passed	95	3
2/20	3rd Reading Passed	95	4
	Transmitted to Senate		
2/22	Referred to Natural Resources		
3/17	Hearing		
3/27	Committee Executive Action--Bill Concurred	11	0
3/27	Committee Report--Bill Concurred		
3/29	2nd Reading Concurred	49	0
3/30	3rd Reading Concurred	46	4
	Returned to House		
3/31	Sent to Enrolling		
3/31	Returned from Enrolling		
3/31	Signed by Speaker		
3/31	Signed by President		
4/01	Transmitted to Governor		
4/05	Signed by Governor		
4/07	Chapter Number Assigned		
	Chapter Number 259		
	Effective Date: 7/01/1999 - All Sections		

HB 618 Introduced by Ahner *LC1317 Drafter: Higgins*

Require That Water Conditioner Services That Are Installed in a Private Dwelling Be Installed by a Licensed Plumber;...

2/13	Introduced and 1st Reading		
2/13	Referred to Business and Labor		
2/16	Hearing		
2/17	Tabled in Committee		
3/01	Missed Deadline for General Bill Transmittal		

HB 619 Introduced by Golie *LC1601 Drafter: Niss*

Allow County Commissions to Authorize Use by County Employees of an Insurance Contract or Plan in Conjunction with Medical Care Savings Accounts;...

2/13	Introduced and 1st Reading		
2/13	Referred to Local Government		
2/16	Hearing		
2/17	Tabled in Committee		
3/01	Missed Deadline for General Bill Transmittal		

HB 620 Introduced by Tuss, et al. *LC0789 Drafter: Lane*

Clarify the Public's Constitutional Right to Examine Public Documents;...

2/13	Introduced and 1st Reading		
2/13	Referred to State Administration		
2/17	Hearing		
2/17	Committee Executive Action--Bill Passed as Amended	9	8
2/18	Committee Report--Bill Passed as Amended		
2/19	2nd Reading Passed	77	20
2/20	3rd Reading Passed	77	23

	Transmitted to Senate		
2/22	Referred to State Administration		
3/03	Hearing		
3/04	Committee Executive Action--Bill Concurred	5	0
3/05	Committee Report--Bill Concurred		
3/08	2nd Reading Concurred as Amended	35	15
3/09	Rereferred to State Administration		
3/16	Committee Executive Action--Bill Concurred	5	0
3/16	Committee Report--Bill Concurred		
3/18	2nd Reading Concurred	48	0
3/19	3rd Reading Concurred	44	0
	Returned to House with Amendments		
4/15	2nd Reading Senate Amendments Concurred	95	5
4/16	3rd Reading Passed as Amended by Senate	88	9
4/16	Sent to Enrolling		
4/17	Returned from Enrolling		
4/20	Signed by Speaker		
4/20	Signed by President		
4/20	Transmitted to Governor		
4/27	Signed by Governor		
4/29	Chapter Number Assigned		
	Chapter Number 485		
	Effective Date: 10/01/1999 - All Sections		

HB 621 Introduced by Witt, et al. *LC1833 Drafter: Petesch*

Appropriate Funds to the Department of Commerce for Grants to Local Governments Submitting Proposals to Locate the Venture Star Project in Montana;...

By Request of House Joint Approp Subcommittee on Natural Resources

2/13	Introduced and 1st Reading		
2/13	Referred to Appropriations		
3/08	Hearing		
3/18	Committee Executive Action--Bill Passed as Amended	16	2
3/18	Committee Report--Bill Passed as Amended		
3/23	2nd Reading Passed as Amended	85	12
3/25	3rd Reading Passed	85	13
	Transmitted to Senate		
3/26	Referred to Finance and Claims		
4/09	Hearing		
4/09	Committee Executive Action--Bill Concurred as Amended	18	0
4/09	Committee Report--Bill Concurred as Amended		
4/10	2nd Reading Concurred	50	0
4/12	3rd Reading Concurred	50	0
	Returned to House with Amendments		
4/15	2nd Reading Senate Amendments Concurred	80	20
4/16	3rd Reading Passed as Amended by Senate	68	31
4/16	Sent to Enrolling		
4/17	Returned from Enrolling		
4/20	Signed by Speaker		
4/20	Signed by President		
4/20	Transmitted to Governor		
4/22	Signed by Governor		

HB 613 SPONSOR: Mangan, Jeff SHORT TITLE: DPHHS to administer tobacco education curriculum
REFERRED ON: 02/12/1999 HEARD ON: 02/17/1999
EXECUTIVE ACTION: 02/18/1999 Bill Passed as Amended -- VOTE: 12 - 4
FINAL DISPOSITION 03/26/1999 (H) Missed Deadline for Appropriation Bill Transmitt

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HB 616 SPONSOR: Lindeen, Monica SHORT TITLE: Provide for the receipt of public comment by electronic mail
REFERRED ON: 02/13/1999 HEARD ON: 02/17/1999
EXECUTIVE ACTION: 02/17/1999 Bill Passed -- VOTE: 17 - 0
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

HB 620 SPONSOR: Tuss, Carley SHORT TITLE: Clarify access to constitutionally protected public information
REFERRED ON: 02/13/1999 HEARD ON: 02/17/1999
EXECUTIVE ACTION: 02/17/1999 Bill Passed as Amended -- VOTE: 9 - 8
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

HB 623 SPONSOR: Brainard, Matt SHORT TITLE: End state of emergency resulting from Great Depression
REFERRED ON: 02/13/1999 HEARD ON: 02/17/1999
EXECUTIVE ACTION: 02/18/1999 Bill Passed as Amended -- VOTE: 9 - 8
FINAL DISPOSITION 02/20/1999 (H) 2nd Reading Pass Motion Failed; Vote: 47 - 52

HB 625 SPONSOR: Bergsagel, Peggy SHORT TITLE: Family impact statements
REFERRED ON: 02/15/1999 HEARD ON: 02/17/1999
EXECUTIVE ACTION: 02/18/1999 Bill Passed -- VOTE: 10 - 7
FINAL DISPOSITION 04/20/1999 Chapter Number Assigned

HB 632 SPONSOR: Bitney, Rod SHORT TITLE: Revise voter registration laws
REFERRED ON: 02/16/1999 HEARD ON: 02/17/1999
EXECUTIVE ACTION: 02/18/1999 Bill Passed as Amended -- VOTE: 12 - 5
FINAL DISPOSITION 03/31/1999 Chapter Number Assigned

HB 634 SPONSOR: Erickson, Ron SHORT TITLE: State payment to cities for fire and police protection for state agencies
REFERRED ON: 02/16/1999 HEARD ON: 02/17/1999
TABLED ON: 02/18/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

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House BILL NO. 620

INTRODUCED BY Tom Christiana
(Primary Sponsor)
Nicholas T Burk Montana TESTER Progila

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PUBLIC'S CONSTITUTIONAL RIGHT TO EXAMINE PUBLIC DOCUMENTS; CLARIFYING THAT THE RIGHT DOES NOT EXTEND TO INFORMATION IN WHICH THERE IS A PRIVACY INTEREST, INCLUDING LEGITIMATE TRADE SECRETS AND MATTERS RELATING TO INDIVIDUAL SAFETY; AND AMENDING SECTIONS 2-6-101, 2-6-102, AND 2-6-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-6-101, MCA, is amended to read:

"**2-6-101. Definitions.** (1) Writings are of two kinds:

(a) public; and

(b) private.

(2) Public writings are:

(a) the written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country, except records that are constitutionally protected from disclosure;

(b) public records, kept in this state, of private writings, except as provided in 22-1-1103 and 22-3-807 and except for records that are constitutionally protected from disclosure.

(3) Public writings are divided into four classes:

(a) laws;

(b) judicial records;

(c) other official documents;

(d) public records, kept in this state, of private writings.

(4) All other writings are private."

Section 2. Section 2-6-102, MCA, is amended to read:

"**2-6-102. Citizens entitled to inspect and copy public writings.** (1) Every citizen has a right to

inspect and take a copy of any public writings of this state, except as provided in 22-1-1103, ~~or~~ 22-3-807, or subsection (3) of this section and as otherwise expressly provided by statute.

(2) Every public officer having the custody of a public writing ~~which~~ that a citizen has a right to inspect is bound to give ~~him~~ the citizen on demand a certified copy of it, on payment of the legal fees ~~therefor~~ for the copy, and ~~such~~ the copy is admissible as evidence in like cases and with like effect as the original writing.

(3) Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section. Information that is constitutionally protected from disclosure is information in which there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets and matters related to individual safety.

(4) A public officer may withhold from public scrutiny information relating to individual privacy or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if release of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility. Security features that may be protected under this section include but are not limited to architectural floor plans, blueprints, designs, drawings, building materials, alarms system plans, surveillance techniques, and facility staffing plans, including staff numbers and locations. A public officer may not withhold from public scrutiny any more information than is required to protect an individual privacy interest or safety or security interest."

Section 3. Section 2-6-104, MCA, is amended to read:

"**2-6-104. Records of officers open to public inspection.** Except as provided in 27-18-111 and 42-6-101, the public records and other matters, except records that are constitutionally protected from disclosure, in the office of any officer are at all times during office hours open to the inspection of any person."

NEW SECTION. **Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT BRAINARD**, on February 17, 1999 at 7:30 A.M., in Room 420 Capitol.

ROLL CALL

Members Present:

Rep. Matt Brainard, Chairman (R)
Rep. Toni Hagener, Vice Chairman (D)
Rep. Allan Walters, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joan Andersen (R)
Rep. Edith Clark (R)
Rep. Tom Dell (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Monica Lindeen (D)
Rep. Jeff Mangan (D)
Rep. Douglas Mood (R)
Rep. Brennan Ryan (D)
Rep. Frank Smith (D)
Rep. Bill Tash (R)
Rep. Bill Thomas (R)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Karen Mills, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s): 613, 616, 585, 625, 597, 632, 634, 620, 623

{Tape : 3; Side : B; Approx. Time Counter : 0.3 - 5.5}

CRAIG SWEET, Mont. PERG
{Tape : 3; Side : B; Approx. Time Counter : 7.7 - 9.9}

Questions from Committee Members and Responses:
{Tape : 3; Side : B; Approx. Time Counter : 10.3 - 17.5}

Closing by Sponsor: **REP. ROD BITNEY**
{Tape : 3; Side : B; Approx. Time Counter : 17.6 - 18.7}

EXECUTIVE ACTION ON HJR 31

Motion: **REP. HAGENER moved DO PASS on HJR 31**

Vote: The motion carried 17-0; unanimous.

HEARING ON 634

Opening Statement by Sponsor: **REP. RON ERICSON**
{Tape : 3; Side : B; Approx. Time Counter : 21.2 - 25.3}

Proponents' Testimony:

DENNIS TAYLOR, City Manager of Helena
{Tape : 3; Side : B; Approx. Time Counter : 25.4 - 29.3}

PAT CLINCH, Rep. of Mt. Firefighters EXHIBIT(9)
{Tape : 4; Side : A; Approx. Time Counter : 0.3 - 1.9}

BILL BAYLESS, Dept. of Admin. Supervisor
{Tape : 4; Side : A; Approx. Time Counter : 1.9 - 3.9}

Questions from Committee Members and Responses:
{Tape : 4; Side : A; Approx. Time Counter : 4.1 - 10.1}

Closing by Sponsor: **REP. RON ERICSON**
{Tape : 4; Side : A; Approx. Time Counter : 10.2 - 11.8}

HEARING ON 620

Opening Statement by Sponsor: **REP. CARLEY TUSS**
{Tape : 4; Side : A; Approx. Time Counter : 12.1 - 15.8}

Proponents' Testimony:

MIKE VOELLER, Lee Newspapers
{Tape : 4; Side : A; Approx. Time Counter : 15.9 - 18.1}

Informational Testimony:

CRAIG SWEET, Mont PERG
{Tape : 4; Side : A; Approx. Time Counter : 18.4 - 20.8}

Questions from Committee Members and Responses:
{Tape : 4; Side : A; Approx. Time Counter : 21 - 27.2}

Closing by Sponsor: REP. CARLEY TUSS
{Tape : 4; Side : A; Approx. Time Counter : 27.2 - 28}

HEARING ON HB 623

Opening Statement by Sponsor: REP. MATT BRAINARD
{Tape : 4; Side : A; Approx. Time Counter : 28.5 - 31.5}

Proponents' Testimony:

AL KINGTON, Ind. Forest Products Assoc.
{Tape : 4; Side : B; Approx. Time Counter : 0.3 - 2.3}

MIKE COLLINS, Ind. Mont. Miners/Rec. Miners
{Tape : 4; Side : B; Approx. Time Counter : 2.4 - 3.2}

Questions from Committee Members and Responses:
{Tape : 4; Side : B; Approx. Time Counter : 3.6 - 25.8}

Closing by Sponsor: REP. MATT BRAINARD
{Tape : 4; Side : B; Approx. Time Counter : 25.8 - 26.5}

EXECUTIVE ACTION ON HB 616

Motion: REP. BRAINARD moved DO PASS on HB 616
{Tape : 4; Side : B; Approx. Time Counter : 26.5 - 27}

Motion/Vote: The motion carried 17-0, unanimously.
{Tape : 4; Side : B; Approx. Time Counter : 27 - 28}

EXECUTIVE ACTION ON HB 597

Motion: **REP. TASH moved DO PASS on HB 597**
{Tape : 4; Side : B; Approx. Time Counter : 28 - 28.5}

Motion: **REP. MANGAN moved HB 597 be amended.**
{Tape : 4; Side : B; Approx. Time Counter : 28.5 - 29}

Vote: The motion carried 17-0, unanimously.
{Tape : 4; Side : B; Approx. Time Counter : 29 - 29.9}

Motion: **REP. TASH moved HB 597 DO PASS AS AMENDED.**
{Tape : 4; Side : B; Approx. Time Counter : 29.9 - 30}

Discussion:
{Tape : 4; Side : B; Approx. Time Counter : 30 - 31.5}
{Tape : 5; Side : B; Approx. Time Counter : 0.2 - 4}

Motion/Vote: **REP. WAGNER moved to TABLE HB 597.** Motion carried 13-4; REPS. TASH, SMITH, HEDGES AND THOMAS VOTING NO.
{Tape : 5; Side : B; Approx. Time Counter : 4 - 5.5}

EXECUTIVE ACTION ON HB 585

Motion: **REP. WALTER moved HB 585 DO PASS.**
{Tape : 5; Side : B; Approx. Time Counter : 4.5 - 5}

Vote: The motion carried 17-0; unanimous.
{Tape : 5; Side : B; Approx. Time Counter : 5 - 6}

EXECUTIVE ACTION ON HB 620

Motion: **REP. MANGAN moved DO PASS on HB 620.**
{Tape : 5; Side : B; Approx. Time Counter : 6 - 7}

Discussion:
{Tape : 5; Side : B; Approx. Time Counter : 7 - 10.1}

Motion/Vote: **REP. WALTERS moved HB 620 BE AMENDED.** Motion carried 17-0, unanimous.
{Tape : 5; Side : B; Approx. Time Counter : 10.1 - 10.5}

Motion: **REP. ADAMS moved HB 620 DO PASS AS AMENDED.**
{Tape : 5; Side : B; Approx. Time Counter : 10.5 - 11}

Discussion:

Motion: The motion carried 14-3; REPS. LINDEEN, WAGNER AND ADAMS VOTING NO.
{Tape : 5; Side : B; Approx. Time Counter : 13.7 - 16}

HOUSE OF REPRESENTATIVE
ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE Feb. 17

NAME	PRESENT	ABSENT	EXCUSED
Rep Allan Walters	✓		
Rep Don Hedges	✓		
Rep Frank Smith	✓		
Rep Darrel Adams	✓		
Rep Joan Andersen	✓		
Rep Tom Dell	✓		
Rep Bill Tash	✓		
Rep Jeff Mangan	✓		
Rep Doug Mood	✓		
Rep Brennan Ryan	✓		
Rep George Golie	✓		
Rep Doug Wagner	✓		
Rep ~~Edith Clark~~	✓		
Rep ~~Monica Lindeen~~	✓		
Rep ~~Bill Thomas~~	✓		
Rep ~~Toni Hagener~~	✓		
Rep Matt Brainard	✓		
Sheri Heffelfinger			

COMMITTEE PROXY

Date 2/17/99

I request to be excused from the ST, AP. Committee meeting this date because of other commitments. I desire to leave my proxy vote with Rep. ALLAN WALTERS.

Indicate **Bill Number** and your vote **Aye** or **No**. If there are **amendments**, list them **by name and number** under the bill and indicate a **separate vote for each amendment**.

HOUSE BILL/AMENDMENT	AYE	NO
559	✓	
616	✓	
597 - TABLE	✓	
585	✓	
AMEND TO 620	✓	
620	✓	
570		✓

SENATE BILL/AMENDMENT	AYE	NO

Rep. [signature] (Signature)

HR:1991
wp/proxy

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

DATE Feb. 17, 1999

BILL NO. 620 SPONSOR(S) Tuss

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
P (O) I	Mike Voeller	Helena	Lee Newspapers Mont. Montana Newspaper Assn
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE STANDING COMMITTEE REPORT

February 17, 1999

Mr. Speaker:

We, your committee on **State Administration** report that **House Bill 620** (first reading copy -- white) **do pass as amended.**

Signed: Brainard
Representative Matt Brainard, Chair

And, that such amendments read:

1. Page 2, line 10.
Following: "secrets"
Insert: ", as defined in 30-14-402,"

- END -

Committee Vote:
Yes 9, No 8.

391552SC.ham

HB 578 SPONSOR: Anderson, Shiell SHORT TITLE: Revise public records law

REFERRED ON: 02/22/1999 HEARD ON: 03/11/1999
EXECUTIVE ACTION: 03/19/1999 Bill Concurred as Amended -- VOTE: 4 - 0
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 585 SPONSOR: Jore, Rick SHORT TITLE: Revise initiative signature requirements

REFERRED ON: 02/23/1999 HEARD ON: 03/05/1999
EXECUTIVE ACTION: 03/16/1999 Bill Concurred -- VOTE: 4 - 0
FINAL DISPOSITION 03/30/1999 Chapter Number Assigned

HB 616 SPONSOR: Lindeen, Monica SHORT TITLE: Provide for the receipt of public comment by electronic mail

REFERRED ON: 02/23/1999 HEARD ON: 03/05/1999
EXECUTIVE ACTION: 03/16/1999 Bill Concurred -- VOTE: 5 - 0
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

HB 620 SPONSOR: Tuss, Carley SHORT TITLE: Clarify access to constitutionally protected public information

REFERRED ON: 02/22/1999 HEARD ON: 03/03/1999
REFERRED ON: 03/09/1999
EXECUTIVE ACTION: 03/04/1999 Bill Concurred -- VOTE: 5 - 0
EXECUTIVE ACTION: 03/16/1999 Bill Concurred -- VOTE: 5 - 0
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

HB 625 SPONSOR: Bergsagel, Peggy SHORT TITLE: Family impact statements

REFERRED ON: 02/23/1999 HEARD ON: 03/09/1999
EXECUTIVE ACTION: 03/18/1999 Bill Concurred as Amended -- VOTE: 5 - 0
FINAL DISPOSITION 04/20/1999 Chapter Number Assigned

HB 632 SPONSOR: Bitney, Rod SHORT TITLE: Revise voter registration laws

REFERRED ON: 02/23/1999 HEARD ON: 03/04/1999
EXECUTIVE ACTION: 03/19/1999 Bill Concurred -- VOTE: 4 - 0
FINAL DISPOSITION 03/31/1999 Chapter Number Assigned

HOUSE BILL NO. 620

INTRODUCED BY C. TUSS, C. CHRISTIAENS, T. BECK, D. MAHLUM, G. MASOLO, J. TESTER, J. TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PUBLIC'S CONSTITUTIONAL RIGHT TO EXAMINE PUBLIC DOCUMENTS; CLARIFYING THAT THE RIGHT DOES NOT EXTEND TO INFORMATION IN WHICH THERE IS A PRIVACY INTEREST, INCLUDING LEGITIMATE TRADE SECRETS AND MATTERS RELATING TO INDIVIDUAL SAFETY; AND AMENDING SECTIONS 2-6-101, 2-6-102, AND 2-6-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-6-101, MCA, is amended to read:

"**2-6-101. Definitions.** (1) Writings are of two kinds:

(a) public; and

(b) private.

(2) Public writings are:

(a) the written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country, except records that are constitutionally protected from disclosure;

(b) public records, kept in this state, of private writings, except as provided in 22-1-1103 and 22-3-807 and except for records that are constitutionally protected from disclosure.

(3) Public writings are divided into four classes:

(a) laws;

(b) judicial records;

(c) other official documents;

(d) public records, kept in this state, of private writings.

(4) All other writings are private."

Section 2. Section 2-6-102, MCA, is amended to read:

"**2-6-102. Citizens entitled to inspect and copy public writings.** (1) Every citizen has a right to inspect and take a copy of any public writings of this state, except as provided in 22-1-1103, ~~or~~ 22-3-807, or subsection (3) of this section and as otherwise expressly provided by statute.

(2) Every public officer having the custody of a public writing ~~which~~ that a citizen has a right to inspect is bound to give ~~him~~ the citizen on demand a certified copy of it, on payment of the legal fees ~~therefor~~ for the copy, and ~~such~~ the copy is admissible as evidence in like cases and with like effect as the original writing.

(3) Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section. Information that is constitutionally protected from disclosure is information in which there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets, AS DEFINED IN 30-14-402, and matters related to individual safety.

(4) A public officer may withhold from public scrutiny information relating to individual privacy or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if release of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility. Security features that may be protected under this section include but are not limited to architectural floor plans, blueprints, designs, drawings, building materials, alarms system plans, surveillance techniques, and facility staffing plans, including staff numbers and locations. A public officer may not withhold from public scrutiny any more information than is required to protect an individual privacy interest or safety or security interest."

Section 3. Section 2-6-104, MCA, is amended to read:

"**2-6-104. Records of officers open to public inspection.** Except as provided in 27-18-111 and 42-6-101, the public records and other matters, except records that are constitutionally protected from disclosure, in the office of any officer are at all times during office hours open to the inspection of any person."

NEW SECTION. **Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

- END -

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MACK COLE**, on March 3, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:
Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Mary Morris, Acting Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) : HB274; HB620
Executive Action: HB274, HB620

HEARING ON HB274

Sponsor: **Representative Marian Hanson, HD1**

Proponents: **John Alke, Montana-Dakota Utilities Company**
Ed Bartlett, Director, Government Affairs, Montana Power Company
Ron Ostberg, Montana Independent Telecommunications Systems
Martin Jacobson, Staff Attorney, Montana Public Service Commission

HEARING ON HB620

Sponsor: **REP. CARLY TUSS, HD46**

Proponents: None

Opponents: None

Informational Testimony: **Mike Voeller, Lee Newspapers of Montana and the Montana Newspaper Association**

Opening Statement by Sponsor:

SEN. TESTER presented HB620 in the absence of the sponsor. He explained that records which are constitutionally protected from disclosure are exempt from the bill, and indicated that sections 3 and 4 further define the bill.

Informational Testimony:

Mike Voeller, Lee Newspapers of Montana and the Montana Newspaper Association, indicated the bill reaffirms what is already constitutionally and statutorily in the law. He said they have to balance the right to know against the right to privacy, and he thinks the sponsor's primary concern was the construction of the private prison at Shelby, and a jail break that occurred in the Great Falls Regional Jail. He noted that the language in section 4, "withholding from public scrutiny", referring to specific information regarding staffing, etc., would seem to be privileged anyway, reiterating that this primarily reaffirms what is already in law, and they do not have any serious problems with it.

{Tape : 1; Side : A; Approx. Time Counter : 15 - 25}

CHAIRMAN COLE announced that the sponsor of the bill had arrived and offered her an opportunity to make some comments.

REP. TUSS apologized to the committee for being late. She indicated that it's unusual that she would sponsor a bill to restrict the Freedom of Information Act, but she is concerned about the new corrections facility in Shelby, realizing there are elements in our society that use this kind of information in ways that could be harmful. She pointed out that the bill is very specific as to what is restricted, that it applies to blue prints, building plans, staffing patterns and security systems, and that, because it is so specific, the overall Freedom of Information Act is not unnecessarily challenged. She pointed out that the bill says "may (withhold)" and, if there is a need to know, the information can be distributed, so it is not 100%

unavailable, and gave the example that the information would be available to local fire departments. This will establish a statutory ability to refuse, unless there is a justifiable reason for the information to be disseminated.

Questions from Committee Members and Responses:

SEN. TESTER asked who determines if it is justifiable to give that information out? **REP. TUSS** responded that it will be the person who have the authority to distribute the information, adding that, if someone has a justifiable reason but is turned down, the Administrative Procedures Act will be helpful.

CHAIRMAN COLE asked **Mr. Voeller** if he feels this would have an effect on the Freedom of Information or Privacy Act. **Mr. Voeller** responded that he does not, that he has looked at it quite a few times and given it a lot of thought, and he does not see where it does. He added that, at some point, it is possible a law suit could result, that this would then be defined by the courts and could cost some money. He reiterated that he does not see where it will compromise the public's right to know or the Freedom of Information Act.

{Tape : 1; Side : A; Approx. Time Counter : 25 - 31}

Closing by Sponsor:

REP. TUSS said she thinks this is protective of the integrity of our correctional facilities, then indicated that she did not approach the Department of Corrections, the Peace Officers or anyone else who might have a vested interest in this, that she approached those people who have concerns about freedom of speech and information. She pointed out that she talked with **Mr. Voeller** from the Montana Newspaper Association, **Mr. Crichton** from the ACLU, and people from the telecommunications network, that there was strong support, there were no opponents, and there was acknowledgment from the newspapers that this would not negatively impact the public's right to have public documents made available to them.

SEN. TESTER agreed to carry HB620 in the Senate.

Motion/Vote: SEN. HARGROVE moved that **HB620 BE CONCURRED IN. Motion carried unanimously.**

Motion: SEN. WELLS moved that **HB334 BE TABLED.**

MONTANA SENATE
1999 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 3-3-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. JON TESTER	✓		
SEN. JACK WELLS	✓		
SEN. BILL WILSON	✓		
SEN. DON HARGROVE, VICE CHAIRMAN	✓		
SEN. MACK COLE, CHAIRMAN	✓		

DATE March 3, 1999

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: HB 274, 334, 620

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Martin Jacobson	444-6178	PSC	274	✓	
Mike Voeller	442-7284	Lee Newspapers Mont Montana Newspaper Assoc	620	Information	
Ed BARTLETT	449-4130	MONTANA POWER CO.	HB 274	✓	
Ron Ostberg	443-1940	Mt Ind Telecomm Syst.	HB274	✓	
John Alke	443-3690	MDU	HB274	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **State Administration** report that **House Bill 620** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Mack Cole, Chair

To be carried by Senator Jon Tester

- END -

Committee Vote:
Yes 5, No 0.

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MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MACK COLE**, on March 10, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:
Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 468, HB 474, 2/22/1999; HB 469, HB 508, 2/23/1999
Executive Action: HB 468, HB 474

HEARING ON HB 468

Sponsor: **REP. MATT BRAINARD, HD 62, MISSOULA**

Proponents: **Verner Bertelsen, Montana Senior Citizens' Association.**

Opponents: None

Information: **Mark Mackin**

SEN. COLE said I think they got the figure by multiplying 14.95 dollars by 6,000 hours.

SEN. WELLS stated I wonder if they subtracted all the people who generally take that off as a leave day.

SEN. TESTER said I am going to do some checking on that.

EXECUTIVE ACTION ON HB 474

{Tape : 2; Side : A; Approx. Time Counter : 123 - 130}

Motion/Vote: **SEN. HARGROVE** moved that **HB 474 BE CONCURRED IN. Motion carried 5-0.**

DISCUSSION ON HB 620

SEN. TESTER said I would like to have **Greg Petesch** come in and talk about the necessity of this bill. It is important for the committee to hear from him and then we can decide if we want to table this bill or move it out of here. **Mr. Petesch** told me it is covered somewhere else in statute, but I don't think he made that clear to **REP. CARLEY TUSS,** so I want him to make that clear to us.

ADJOURNMENT

Adjournment: 12:10 P.M.

_____
SEN. MACK COLE, Chairman

_____
KERI BURKHARDT, Secretary

MC/KB

EXHIBIT(sts54aad)

MONTANA SENATE
1999 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 3-10-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. JON TESTER	X		
SEN. JACK WELLS	X		
SEN. BILL WILSON	X		
SEN. DON HARGROVE, VICE CHAIRMAN	X		
SEN. MACK COLE, CHAIRMAN	X		

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MACK COLE**, on March 11, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:
Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)

Members Excused: Sen. Bill Wilson (D)

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 578, HJ 10, 2/22/1999; HJ 7, HJ 10, 2/23/1999
Executive Action: None

HEARING ON HB 578

Sponsor: **REP. SHIELL ANDERSON, HD 25, LIVINGSTON**

Proponents: **Bruce Barrett**
Mona Jamison, Montana Historical Society Foundation
Matthew Cohn, Administrator of Travel Montana, Montana Department of Commerce
James Fall, Executive Director, Montana Newspaper Association
Angela Fultz, Chief Deputy, Secretary of State

Congress, be allowed to offer any areas, land, or water of the United States or any of its territories as part of an international designation that could or may in any way effect the use of management of that area.

I would like to emphasize that Glacier National Park is a biosphere reserve and World Heritage Sight. There is another one listed on the maps as Coram. When you look at the possibility of buffer zones, etc., Canada has already designated a huge area that shapes up with this Y2Y corridor and is part of the Rocky Mountain Ecosystem proposal. It is a corridor linking Yellowstone and Glacier National Parks. These have been used in the past and are now being used by special interest groups to harass and stop projects. One of these resolutions asks that the U.S. Senate does not ratify the bio-diversity treaty and the other calls for support for **Congressman Young's** bill on American Land Sovereignty. Thank you.

SEN. WELLS volunteered to carry both resolutions if they should pass.

{Tape : 2; Side : A; Approx. Time Counter : 110 - 128}

DISCUSSION ON HB 620

Greg Petesch, Legislative Staff, said I think what **SEN. TESTER** wanted discussed was to what extent **HB 620** changes the current status quo.

SEN. HARGROVE stated **SEN. TESTER** left a note that asks if you see anything in this bill that is not covered in current statutes?

Mr. Petesch replied this is about current statutes and current law. By the term law, I mean including the court interpretations of statutes, which are a little different and to some extent codifies some decisional law. The most recent case on this topic is the Great Falls Tribune Company vs. Day. That dealt with the RFP and bid process for the private prison. The statute on public bid allowed any governmental entity to keep proposals from public disclosure until after the bid was awarded. The Great Falls Tribune Company sued to overturn that. The Montana Supreme Court said yes, if it is going to be public information anyway, you cannot restrict time of disclosure. That is essentially the same decision we got on draft bills. If we are going to let them be public documents at some point, you cannot control the timing of the release of that information, even if there is an arguably laudable purpose.

In this case, the state argued it was designed to allow the state to get the best possible financial return. To some extent this bill, which obviously changes current statute by codifying portions of that decision which is for Constitutionally protected material, you do not have to disclose it. That Constitutionally protected material could be things like medical information the state may have about an individual. The other thing this bill does, and it is talked about in the Day case but is not specifically addressed, is that jails and public facilities prevent the release to the public those types of things. I think this is where **SEN. TESTER** was most concerned.

In the Day case, the state talks about not releasing those kinds of things and the court does not specifically address it. The state told them they were going to withhold it and the court does not say whether it is proper or not. The concern is that under Article 2, Section 9, the right to examine documents, the only exception in the Constitution itself is for cases involving individual privacy. The court has interpreted individual privacy to apply to trade secrets. That provision is codified in this bill also. We do not have a specific decision now on whether a blueprint or a facility can be construed to be a trade secret. Facilities have withheld that information because if it is public anyone, including inmates, can get it. It obviously makes escapes easier if you have the blueprints, but there is no Constitutional provision for public safety as an exception to the right to examine public documents. This bill does change statute to provide for that. The cases talked about it, but they didn't specifically address it. That is, in my opinion, what the bill does to change the existing law.

SEN. HARGROVE said, I would like to ask another question on behalf of **SEN. TESTER**. Can inmates get blueprints? **Mr. Petesch** replied currently they are not being allowed to, by policy to protect public health, safety, and welfare. That may be a compelling state interest to protect public, health, safety, and welfare, under Article 2, Section 10. I would say that since inmates have reduced rights while they are confined, certainly they should not be allowed to have them while they are an inmate. The challenge will come if a member of an inmate's family asks for them. We would have to see how that was resolved.

SEN. HARGROVE asked did they in this case? **Mr. Petesch** answered I believe that someone made a request for blueprints and it was denied. **SEN. HARGROVE** asked did the people who escaped have the blueprints? **Mr. Petesch** stated I don't know that they did. My reading of **Sheriff Strandall's** comments in the paper was that they had never released those to anyone. The private prison, as part of the RFP process, specifically told the court they were

not going to give those out. That issue was not addressed in the holding, although it was discussed in the case.

SEN. HARGROVE asked if an inmate wants a document, do you know what the process is for getting it? **Mr. Petesch** replied they usually ask the prison or county jail personnel for documents. They have access to legal materials and they often write and ask for things. **SEN. HARGROVE** said there are a lot of things they do not let them get. **Mr. Petesch** stated because inmates have reduced rights you can restrict their rights, but whether you can restrict everyone is a separate issue.

HEARING ON HJ 31

Sponsor: **REP. WILLIAM MENAHAN, HD 57, ANACONDA**

Proponents: **Dan Whyte, Chief Legal Council, Secretary of State**

Opponents: None

Information: **Jeff Brandt, Information Services Division, Department of Administration**

Opening Statement by Sponsor:

REP. WILLIAM MENAHAN, HD 57, ANACONDA, stated I introduced a bill and the House State Administration Committee thought if we got together with the Department of Administration, we could establish a better phone system for the people of the state and also provide some training. I am trying to get away from people calling and never getting to talk to a person. It isn't too bad to get voice mail, but there are a number of those that go through a whole menu of things while you are paying for the call. At the end there is no one to talk to. That is why we brought this bill forward. We are going to try to work out a system that is friendly to them and friendly to the people who are calling State Government. They are working on the amount of time the menu goes on as well as a number of other issues. We made this into a friendly resolution to solve this problem.

Proponents' Testimony:

Dan Whyte, Chief Legal Council, Secretary of State, said we are here in support of this joint resolution. **Mike Cooney, Secretary**

MONTANA SENATE
1999 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 3-11-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. JON TESTER	X		
SEN. JACK WELLS	X		
SEN. BILL WILSON			X
SEN. DON HARGROVE, VICE CHAIRMAN	X		
SEN. MACK COLE, CHAIRMAN	X		

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MACK COLE**, on March 15, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:
Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted:
Executive Action: SJ 10, HB 362, HB 469, HB 508, HB 616, SB 521, HB 620

EXECUTIVE ACTION ON SJ 10

Motion: **SEN. HARGROVE** moved that **SJ 10 AMENDMENTS SJ001002.ADN BE ADOPTED. EXHIBIT(sts58a01).**

Discussion:

SENATOR TESTER stated he was not sure if this was enough encouragement to get them to do something on the plaque or the statue.

the election to get back on the roles. He feels that person should be responsible and attentive enough to apply 30 days in advance.

SENATOR TESTER agreed that there are a lot of people asleep at the wheel and don't take it seriously but he feels everyone should be encouraged and given the right to vote.

SENATOR WILSON stated he did not care if they were inactive or not, at least they had the initiative at one point in their life to vote. There are people who have never voted and never will vote.

SENATOR HARGROVE stated we are making it a little harder on the non-federal elections where there is the lowest turnout anyway.

SENATOR WELLS stated in one sense he would like to make all counties make it one day but on the other hand if the Administrators have heart burn with it he does not want to do that to place an extra burden on them. His feeling is to table the bill and leave it status quo. He wonders if additional testimony or information would clarify some of this discussion.

SENATOR COLE suggested having the Secretary of State's office give them an update on what counties require 30 days and what counties require one day. Then the committee would know the background regarding the number of letters that go out to inactive voters and how it is handled. The vote on this bill will be postponed until further information is received.

{Tape : 2; Side : A; Comments : Time: 11:20 a.m.}

EXECUTIVE ACTION ON SB 521

Motion/Vote: **SEN. TESTER** moved that **SB 521 DO PASS. Motion carried 5-0.**

EXECUTIVE ACTION ON HB 620

SENATOR COLE stated this bill was referred back to committee from the Floor.

SENATOR TESTER stated his main question is if this bill is needed? Is it taken care of in statute already? **SEN. HARGROVE** stated it is not in statute already. It codifies some decision law. In practice it is not needed but, in terms of statutory decision making, it is. Regarding that particular incident, **Greg Petesch** did not feel it had occurred and the rules probably do

keep people from doing it, however, law does not. This would do that.

SENATOR TESTER stated if the law does not keep inmates from getting this type of information it should and therefore the bill does have a function.

SENATOR WELLS questioned how this bill prevents inmates from getting the information? **SEN. HARGROVE** stated he knows it is almost impossible for an inmate to get anything, but that is under rule and not under statute.

SENATOR TESTER stated from a practical standpoint they probably cannot get them, but from an idealistic standpoint they could.

Mr. Niss stated the reason there is a change is because not only is individual or group safety not mentioned in any statute, there are no cases on individual or group safety either. The language being added on page 2(3) and (4) is not language from a Montana Supreme Court decision or any other decision, that is language being added with a statute because the sponsor thinks that the way it ought to be.

SENATOR WELLS questioned **SEN. GLASER'S** concern that contractors or people with legitimate right to this information would not be able to get it. **SEN. TESTER** stated he was dealing with a different section of law entirely.

Mr. Niss stated the issue of contracting is a whole different issue and is not addressed in this bill.

SENATOR HARGROVE stated with all that said and done, it is hard for him to oppose when the release of that information may jeopardize the safety facility, personnel, the public or inmates of the facility. This does not just address a jail break.

SENATOR TESTER stated the reason he pulled this off the floor was because **SEN. BECK** asked him a point blank question as to whether these inmates had the blueprints and he was given the impression they had. That turned out to be not true, the inmates did not have the blueprints. The inmates could still get the blueprints if the rules did not still exist by the prison management to deny them access. Someone could change the rules and they could get access.

Motion/Vote: SEN. TESTER moved that **HB 620 BE CONCURRED IN. Motion carried 5-0. SEN. TESTER** will carry to Senate Floor.

{Tape : 2; Side : A; Comments : Time: 11:41 a.m.}

AN ACT CLARIFYING THE PUBLIC'S CONSTITUTIONAL RIGHT TO EXAMINE PUBLIC DOCUMENTS; CLARIFYING THAT THE RIGHT DOES NOT EXTEND TO INFORMATION IN WHICH THERE IS A PRIVACY INTEREST, INCLUDING LEGITIMATE TRADE SECRETS AND MATTERS RELATING TO INDIVIDUAL OR PUBLIC SAFETY; AND AMENDING SECTIONS 2-6-101, 2-6-102, AND 2-6-104, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-6-101, MCA, is amended to read:

"**2-6-101. Definitions.** (1) Writings are of two kinds:

(a) public; and

(b) private.

(2) Public writings are:

(a) the written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country, except records that are constitutionally protected from disclosure;

(b) public records, kept in this state, of private writings, except as provided in 22-1-1103 and 22-3-807 and except for records that are constitutionally protected from disclosure.

(3) Public writings are divided into four classes:

(a) laws;

(b) judicial records;

(c) other official documents;

(d) public records, kept in this state, of private writings.

(4) All other writings are private."

Section 2. Section 2-6-102, MCA, is amended to read:

"**2-6-102. Citizens entitled to inspect and copy public writings.** (1) Every citizen has a right to inspect and take a copy of any public writings of this state, except as provided in 22-1-1103, ~~or~~ 22-3-807, or subsection (3) of this section and as otherwise expressly provided by statute.

(2) Every public officer having the custody of a public writing ~~which~~ that a citizen has a right to inspect is bound to give ~~him~~ the citizen on demand a certified copy of it, on payment of the legal fees ~~therefor~~ for the copy, and ~~such~~ the copy is admissible as evidence in like cases and with like effect as the original writing.

(3) Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section. Information that is constitutionally protected from disclosure is information in which there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets, as defined in 30-14-402, and matters related to individual or public safety.

(4) A public officer may withhold from public scrutiny information relating to individual privacy or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if release of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility. Security features that may be protected under this section include but are not limited to architectural floor plans, blueprints, designs, drawings, building materials, alarms system plans, surveillance techniques, and facility staffing plans, including staff numbers and locations. A public officer may not withhold from public scrutiny any more information than is required to protect an individual privacy interest or safety or security interest."

Section 3. Section 2-6-104, MCA, is amended to read:

"**2-6-104. Records of officers open to public inspection.** Except as provided in 27-18-111 and 42-6-101, the public records and other matters, except records that are constitutionally protected from disclosure, in the office of any officer are at all times during office hours open to the inspection of any person."

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part

remains in effect in all valid applications that are severable from the invalid applications.

- END -